

## **MINUTES OF REGULAR MEETING HELD FEBRUARY 3, 2004**

The Regular Meeting of the Borough of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 8:00 P.M.

Roll Call: Glaser, Giaimis, Doty, Van Deursen, Housel, McDonald and Bertoline – Present: 7.

Also Present: Alan M. Fisher, Borough Manager  
Judith Kopen, Esq., filling in for R. Cushing, Esq., Municipal Attorney.

The Flag Salute was led by the Mayor.

“The requirements of the ‘Open Public Meetings Law’ P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

### **COUNCIL APPEARANCE**

#### **Judge J. Edward Palmer**

Judge Palmer gave an overview of the Municipal Court and was pleased to report that there was an increase of \$ 12,000.00 in the amount of fines that is retained by the Borough. Traffic tickets have also increased this year from \$ 550,000 to \$ 600,000. The office is running very well thanks to Court Administrator, Ginny Cortese.

The Community Dispute Resolution Program has been organized and will begin to hear cases the first Wednesday of each month in conjunction with Court. This program is a step in which civil complaints will be heard through a mediation process with no penalties.

The Administrative Offices of the Courts through the State have inspected our records and found everything to be in good working order. Judge commended Mrs. Cortese.

Judge Palmer did advise the Council that they have been experiencing problems with the tape recording system that is vital to the running of the court. If this system cannot be repaired a new system will have to be purchased.

Mayor Van Deursen asked if there was any problems or issues that require Council's attention? Judge Palmer could think of no problems to be addressed at this time. Local ordinance enforcement is being taken care of quite well with the hiring of a Code Enforcement Officer. The DWI Law has been changed from .08 as opposed to .1. There will be different penalties involved and an increase in traffic summonses is anticipated.

### **MINUTES:**

#### **Reorganizational Meeting – January 6, 2004**

Mayor Van Deursen entertained additions or corrections to the minutes of the reorganizational meeting.

Councilwoman Bertoline pointed out the following corrections of which the Clerk so noted. She suggested that the name and address of the Yule Tide Decorating Award be included in the minutes. On Page 10 the Roll Call should read 5 Ayes instead of 6 Ayes. On Page 26 Bertoline should be inserted in the motion, rather than Bond. The Roll Call on Page 7 should include Councilman Doty in the Roll Call. The Clerk so noted all of these corrections and will correct the original copy for the minute book.

It was therefore moved by Housel, seconded by McDonald that the minutes of the Reorganizational Meeting of January 6, 2004 be approved as corrected.

Roll Call; Giaimis, Housel, Van Deursen, Doty, Bertoline and McDonald.  
Nays: 0. Abstained: Glaser.

Motion carried.

### **COMMUNICATIONS**

The following communications were entered into the minutes:

- 1) NJ State D.O.T. – RE: Traffic Signal – Rt. 57 – Broad-Belvidere Avenue;
- 2) NJ State League Re: Re-Cap of Laws 2003;
- 3) Comcast Re: Additional Programming (2);
- 4) State of NJ DEP Re: Municipal Stormwater Program

Mayor Van Deursen entertained a motion to acknowledge, receive and file the communications:

It was moved by Giaimis, seconded by Glaser that communications numbered #1 thru #4 be acknowledged, received and filed.

Discussion: Councilwoman Bertoline asked whether the Borough would be eligible to apply for a grant under the Municipal Stormwater Program. It was noted that the Borough would be submitting a grant application.

Ayes: 7, Nays: 0.  
Motion carried.

### **AUDIENCE:**

Mayor Van Deursen entertained comments from the audience on items that were not part of the agenda.

Hearing none, it was moved by McDonald, seconded by Giaimis that the audience portion of the meeting be closed.

### **Resolution #22-2004 – Resolution of Appreciation – Mark Bond**

The following Resolution of Appreciation was adopted on a motion made by Giaimis, seconded by Bertoline. Mr. Bond was present for the reading of the resolution and was presented with a plaque for his years of service to the community as a member of Council and Mayor.

#### **RESOLUTION #22-2004**

#### **A RESOLUTION OF APPRECIATION FOR COUNCILMAN MARK S. BOND UPON HIS DEPARTURE FROM THE GOVERNING BODY OF THE BOROUGH OF WASHINGTON.**

**WHEREAS**, Mark S. Bond has served six years on the Common Council of the Borough of Washington; and

**WHEREAS**, Mark S. Bond also served as Mayor of the Borough of Washington for one two-year term in 2001 and 2002; and

**WHEREAS**, Mark S. Bond also served his community as a member of the Borough of Washington Public Library Board of Trustees and Planning Board; and

**WHEREAS**, Mark S. Bond also served on the Downtown Revitalization Committee and Sewer Sub-committee; and

**WHEREAS**, the Mayor and Council of the Borough of Washington desire to express their heartfelt appreciation for the past five years of dedicated service to the citizens of this municipality.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that on behalf of the citizens of the Borough of Washington the sincerest appreciation is hereby expressed to Councilman and former Mayor Mark S. Bond for his many years of community service as an elected official representing the citizens of this community.

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be duly embossed and presented to Mark S. Bond as a remembrance of the appreciation of this community, and the Borough Clerk is hereby directed to record this resolution in the official records of this community to be preserved in perpetuity.

**BE IT FURTHER RESOLVED**, that the Mayor and Council wish you and your family the very best in whatever you decide to do in the future.

Roll Call: Giaimis, Glaser, Doty, Bertoline, McDonald, Housel and Van Deursen.

Ayes: 7, Nays: 0.  
Motion carried.

**ORDINANCES:**

**Ordinance #1-2004** – Preservation of the Morris Canal (Final Passage)

An ordinance preserving the Morris Canal was introduced by Councilwoman Glaser.

It was moved by Glaser, seconded by McDonald that the Clerk read Ordinance #1-2004 by title only.

Roll Call: Bertoline, McDonald, Doty, Van Deursen, Glaser, Housel and Giaimis.

Ayes: 7, Nays: 0.  
Motion carried.

The Clerk read Ordinance #1-2004 entitled, “AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE BOROUGH OF WASHINGTON, MORE SPECIFICALLY CHAPTER 94, TO PRESERVE THE MORRIS CANAL IN WASHINGTON BOROUGH.”

Mayor Van Deursen opened up the public hearing portion of the audience for their questions or comments.

**Dave Higgins, 113 Harding Drive** had several questions in regard to the ordinance. He asked what the width of the Canal was? Engineer Miller noted that the width varies along the canal. Mr. Higgins asked if this ordinance would preclude him from placing a shed on his property? He would have to submit his survey to the Zoning Officer who could assist him in the placement of a shed on his property. Mr. Higgins noted that trees have been removed along the power line easement. Who do they have to go through for new trees? The Shade Tree Commission could be of assistance. Mr. Higgins asked what the purpose of this ordinance was? The purpose of the ordinance was to prevent any further construction or acts of disturbing more of the Canal.

**Dale Parichuk, 116 Myrtle Avenue** commented on the ordinance. The ordinance as written and the revised maps now show that there are no restrictions on his property as far as its use.

Hearing no further discussion it was moved by Housel, seconded by Giaimis that the public hearing portion of the ordinance be closed.

Ayes: 7, Nays: 0.  
Motion carried.

It was moved by Housel, seconded by McDonald that Ordinance #1-2004 be adopted on final passage and that final publication be made as required by law.

Roll Call: Giaimis, Housel, Glaser, Van Deursen, Doty, Bertoline and McDonald.

Ayes: 7, Nays: 0.  
Motion carried.

**ORDINANCE #1-2004**

**AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE BOROUGH OF WASHINGTON, MORE SPECIFICALLY CHAPTER 94, TO PRESERVE THE MORRIS CANAL IN WASHINGTON BOROUGH.**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Washington as follows:

Section One: The Land Use Ordinance of the Borough of Washington is amended by the addition of Section 94-86, "Morris Canal District" to read as follows:

A. Purpose. The preservation, protection, and enhancement of the Morris Canal are necessary because:

- (1) The Morris Canal is recognized as a cultural resource of national importance by its inclusion on the State and National Registers of Historic Places.
- (2) The Morris Canal was of great significance locally to the social and economic development of Warren County as a whole and of the individual municipalities, including the Borough of Washington, through which is passed and is so recognized by its inclusion in Warren County's Open Space Plan.
- (3) The Morris Canal has been identified on the Washington Borough 2000 Master Plan Element of Conservation Plan and the Recreation and Open Space Element as an important open space link and passive recreation corridor.

(B) Zone Designations. The Morris Canal District is an overlay zone as shown on the attached map, entitled, "Morris Canal Historic Zone for Washington Borough, Warren County, New Jersey" prepared by Studer and McEldowney, P.A. dated November 7, 2003. The designation of the Morris Canal District shall include:

- (1) Portions of the Canal rights-of-way containing towpath, levee, and prism areas.
- (2) Areas of special sensitivity as may be physically located within the District area as shown on the attached map entitled, "Morris Canal

Historic Zone for Washington Borough, Warren County, New Jersey” prepared by Studer and McEldowney, P.A. dated November 7, 2003, including, but not limited to, special features such as the inclined planes.

- (3) Other features, but excluding buildings, as described in Historic Preservation Survey of the Morris Canal in Warren County, New Jersey (1983) (copy available for review in the Borough Clerk’s Office) and as are physically located within the District area as shown on the attached map entitled “Morris Canal Historic Zone for Washington Borough, Warren County, New Jersey” prepared by Studer and McEldowney, P.A. dated November 7, 2003.

C. Prohibitions. The following shall be prohibited in the Morris Canal District:

- (4) Dumping, excavation, filling and/or destruction, both above and below ground.
- (5) The issuance of building permits that would alter, modify, damage or destroy or otherwise have a negative impact on the Morris Canal District

D. Driveways, Underground Utilities, Sanitary and Stormwater Sewers, Streets, and Similar Structures. The crossing of and the excavation within the Morris Canal District for any of the above mentioned purposes is to be allowed only when there is no feasible and prudent alternative and when such action is clearly in the public interest. Such work shall be done in such a manner as to minimize the disturbance or destruction of significant features, both above and below ground, and any such features disturbed or destroyed in such work are to be restored to their preexisting condition as closely as is feasibly possible.

E. Subdivisions and Site Plans. All applications to the Planning Board for subdivision of site plan approval that include areas within the Morris Canal District shall show the location of the District boundaries so that canal preservation issues can be properly considered and provided for. This requirement shall be added to the checklists for subdivision and site plans.

F. Remedies. In addition to fines and penalties, which may be imposed for violation of the requirements of the Morris Canal District, violators of the provisions of the ordinance shall be liable for the cost of restoring any destroyed Canal related feature to its previous condition and the attorneys fees which are required to enforce the provisions hereby.

G. Enforcement. The Borough Zoning Officer shall be responsible for reviewing applications for zoning clearance to determine whether or not they comply with the requirements of this ordinance and any appeals relating thereto shall be to the Washington Borough Board of Adjustment under the provisions of N.J.S.A. 40:55D-70A.

H. Exemptions. Any and all actions by the Borough of Washington shall be exempt from the provisions of this Ordinance, except as may be otherwise required by any other regulatory agencies.

Section Two: Each clause, section, paragraph, subdivision or article of this Ordinance shall be deemed a separate provision to the extent that if any such clause, section, paragraph, subdivision or article should be declared invalid, the remainder of this Ordinance shall not be affected.

Section Three: In accordance with Chapter 3, Article II, Section 15, Subsection E of the Code of the Borough of Washington, this Ordinance shall become effective 20 days after final passage unless the Council, by an affirmative vote of five (5) Council Members, shall adopt a resolution declaring the Ordinance to be an emergency upon which said Ordinance will take effect upon final passage.

**REPORTS:**

It was moved by McDonald, seconded by Giaimis that the Trial Balances (2), Borough Clerk's, Collector-Treasurer, Fire Prevention and Zoning/Code Enforcement reports be acknowledged, received and filed.

Ayes: 7, Nays: 0.  
Motion carried.

**VOUCHERS:**

Mayor Van Deursen entertained questions or additions to the vouchers and claims for payment.

Councilwoman Bertoline had several questions on various pages of the vouchers of which the Manager answered. Councilwoman Glaser also had a question of a voucher that was also answered by the Manager.

Hearing no further discussion, it was moved by McDonald, seconded by Housel that the vouchers and claims were approved in the amount of \$721,310.34 as reflected in the debit/credit memorandum on file in the Collector-Treasurer's office.

Roll Call: Glaser, Housel, Giaimis, Van Deursen, McDonald, Bertoline and Doty.

Ayes: 7, Nays: 0.  
Motion carried.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

**Special ABC Permit – St. Joseph's Church**

A Special ABC Permit for a social affair was submitted from St. Joseph's Church. The application being in order, it was moved by Housel, seconded by Giaimis that this Special ABC Permit be approved.

Roll Call: Giaimis, Housel, Glaser, Doty and McDonald – Ayes: 5,  
Nays: 0. Abstained: Bertoline and Van Deursen.

Motion carried.

**Discussion – Review Process for Auditor Proposals**

The general consensus was to utilize the same procedure as the Risk Manager and Engineer.

Councilwoman Bertoline questioned why prices were included? It is because these are not requests for proposals. They are for professional services that will be rendered.

**Discussion – Nepotism Ordinance (Requested by Councilwoman Bertoline)**

Councilwoman Bertoline requested that the topic of “Nepotism” be further considered. She wanted opinions from the other governing body members. A memorandum was received from Attorney Cushing’s office and sample ordinances were included in the agenda packet for Council’s review.

Councilwoman Bertoline is in favor of an ordinance. This ordinance would make for good government and fair hiring practices with qualified people filling the positions.

Councilman McDonald reviewed the sample ordinances and felt that they were way more involved than what Council wants to do.

Attorney Cushing’s memo was discussed and it was noted that it would not cover any employees covered under the Civil Service Code.

Councilwoman Glaser noted that seasonal employees hired by the Borough has always presented a problem with a shortage of qualified individuals that who were eligible for the positions.

Councilman McDonald noted that he would like to see seasonal employees excluded from any nepotism ordinance that would be considered.

Councilman Housel noted that of all of the sample ordinances, the one from Madison, Wisconsin and Oregon could perhaps be considered to fit the Borough’s needs.

Councilman Giannis asked if Council could have a list of who is covered by Civil Service and who is not? Councilman Giannis also asked if the Council could implement an ordinance to cover one department and not other departments? Attorney Kopen indicated that further research would have to be done.

Manager Fisher pointed out that this particular issue has good points and bad points. A lot of research would have to be done. This issue is similar to the “Property Maintenance Code”. There is a lot of degree of uncertainty.

Councilwoman Bertoline felt that a nepotism policy would promote good government.

Mayor Van Deursen recognized citizens from the audience that wanted to be heard.

**Mr. Peter Wright, 92 Flower Ave.** asked whether there were job descriptions for every position in the Borough? And, whether the Borough had a personnel policy in place? Manager Fisher replied “yes” to both questions. He questioned the need for a nepotism policy in the Borough and particularly for seasonal employees. He felt that the Borough was exercising too much control and over-governing our small municipality

**Dave Higgins, 113 Harding Drive** Mr. Higgins indicated that when he served on Council, his wife had a position with the Borough as Crossing Guard. He took it upon himself to write to the Department of Community Affairs. They sent him guidelines on what he could or could not do when serving.

**Mark Bond, 74 Flower Ave.** Mr. Bond noted that when he was on Council that he had actually instituted the question of a Nepotism and Ethics. He felt that the implementation of these policies gives the public a better perception of our government. It eliminates influenced peddling for jobs. When he served on the Board of Education they had instituted a Nepotism Policy. Positions for hiring should be based on ability. Lets maintain business faith in what we are doing.

**Terry Finnegan, 23 Youmans Ave.** Mr. Finnegan noted that the Recreation Commission members as volunteers have had their children work at the pool. He did not see a problem in this area. All the children who have been hired are eligible and have the necessary training and certifications to hold these positions. The Recreation Commission has traditionally been short of help in the past.

**Joe Kresser, 92 Carlton Avenue** Mr. Kresser was a coach and member of the Recreation Commission. His son worked for the town. He indicated that as a volunteer he will undoubtedly step down if his son would be barred from working for the Borough.

**Pete Jacobson, 173 Broad St.** Mr. Jacobson also expressed the same sentiments. He has served as a volunteer for this community for several sports and now serves on the Commission. He would also resign.

**Jonathan Feldman, 19 Prosper Way** noted that it is a great thing for our children to get into the work force. What better place than to start in the community where they live. It is very reassuring to a young adult. He did not want to see them discriminated against. Mr. Feldman noted that he has been a volunteer in the Borough for several years. He urged the Council to look towards revitalization instead of regulating something like this.

Councilman Giaimis noted that he has definitely heard that people say that they have applied for positions with the Borough and they were not considered. He noted to the audience that the Council was only discussing this issue. Further information would have to be provided to the Council on the number of applicants applying for positions.

Councilman McDonald noted that both his son and wife applied to the Borough for positions and were not hired based on the fact that they were not qualified for those positions.

**Mark Bond** noted that the public wants to see that their money is being spent properly.

Manager Fisher noted that he has also had some concerns with the hiring of employees. Good sound ethics is good government.

**Dawn Higgins** outlined the outlined the procedure by which the Recreation Commission hires their seasonal help. The process begins in March and they have a policy where they re-hire any of the former applicants who are experienced and above all qualified. They have, in the past, had difficulty staffing the park for the entire season.

Mayor Van Deursen noted that the pool is open seven days a week for twelve hours and they need a staff of at least twenty at a time.

**Larry Hurley, 4 Oak Ridge Rd.** noted that the park staff is being penalized if they have a parent who is a volunteer of this community.

Councilman Giaimis noted clearly that this is not a black and white issue. The input and discussion of this issue changes the way he is looking at this policy.

Further information is warranted, particularly in conjunction with Civil Service qualifications.

Councilman Doty thanked everyone in the audience for their comments. He appreciated their comments and concerns.

Councilwoman Bertoline noted that Council should find out what we can and cannot do. If it cannot be applied to Civil Service we should not pursue a policy.

Mayor Van Deursen deviated from the order of business to hear the Park Pool Renovation project in conjunction with the passage of Item #11 – Resolution #37-2004 by Terry Finnegan, Chairman of the Recreation Commission.

**Resolution #37-2004 – Green Acres Enabling Resolution**

Prior to the adoption of this Resolution Chairman Finnegan from the Recreation Commission reviewed the proposed new pool design. The pool's current design is from 1980 or 1981 and has reached the end of its useful life. He outlined the plan that is proposed for expanding the existing pool and making it more family orientated for families and young children. Their goal is to keep the pool open longer, have better lighting so the swim team can practice at night rather than during the day. They also plan to have more events at the pool itself. The Recreation Commission would also like to have a winterization pool cover, a heater and additional pool fencing. The heater would be utilized to warm the pool for the swim lesson program which they also intend to have more lessons. The swim lesson program is always full and the demand for more lessons is always a problem every year.

The proposed plans were discussed with Chairman Finnegan. The grant that is being applied for is a twenty (20) year loan at two (2%) with no matching funds required.

Councilman Housel asked if the project could be scaled down if necessary to obtain the funding. Mr. Finnegan indicated that it definitely could be scaled down if necessary.

Councilman Doty asked if any landscaping was being proposed? Chairman Finnegan indicated none at present. They would however like to move the fence back to provide more room inside the pool area.

It was moved by Housel, seconded by McDonald that the following Resolution be adopted conditioned upon the Recreation Commission's approval after the public hearing:

**RESOLUTION #37-2004**

**STATE OF NEW JERSEY**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**GREEN ACRES ENABLING RESOLUTION.**

**WHEREAS**, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

**WHEREAS**, the Borough of Washington desires to further the public interest by obtaining funding in the amount of **\$ 283,200.00** from the State to fund the following project: Washington Borough Park Pool Renovation Project at a cost of **\$ 283,200.00;**

**NOW, THEREFORE**, the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey resolves that Alan M. Fisher or the successor to the office of Borough Manager is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

**WHEREAS**, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

**WHEREAS**, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren and State of New Jersey:

1. That the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Washington Borough Park Pool Renovation Project;

2. That the applicant has its matching share of the project, if a match is required in the amount of \$ - 0 -.

3. That, in the event of the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project.

4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and

5. That this resolution shall take effect immediately.

Discussion: Engineer, Bob Miller, noted that grading should be considered with this project given the problem that happened at the Park this past summer. The amount applied for does include an additional \$ 10,000.00, hence the figure of \$ 283,200.

Councilman Giaimis asked if any other quotes had been solicited. Chairman Finnegan noted that this is only an estimate of the costs. The project will be placed out for bids.

Roll Call: McDonald, Bertoline, Doty, Van Deursen, Glaser, Housel and Giamis.

Ayes: 7, Nays: 0.  
Motion carried.

Council took a short recess on a motion made by Bertoline, seconded by Giaimis at 10:15 PM.

Ayes: 7, Nays: 0.  
Motion carried.

Council reconvened at 10:30 AM with everyone present.

**Executive Session to Discuss Personnel Matter**

It was moved by Bertoline, seconded by Glaser that Council go into Executive Session to discuss a personnel matter and litigation.

Ayes: 7, Nays: 0.  
Motion carried.

Councilman Housel excused himself from Executive Session.

It was moved by Glaser, seconded by Housel that Council go back into open session at 11 PM. Councilman Housel resumed his seat.

Ayes: 7, Nays: 0.  
Motion carried.

**County Planning Department – Cross Acceptance III**

The County is requesting a cross-acceptance team from each municipality to assist in the review of the Cross-Acceptance III of the State Development and Redevelopment Plan. Councilwoman Bertoline volunteered to serve. The other three members will be Chairman William Miller from the Planning Board, Bob Miller, Engineer and Borough Manager, Alan Fisher.

**To consider contracting with the Warren County Soil Conservation District for Sedimentation & Soil Erosion Control** (Requested by Councilman T. Doty)

General discussion took place with respect to the procedure by which the Borough handles applications for Sedimentation & Soil Erosion.

Bob Miller, Engineer commented on this procedure and addressed the new regulations. The regulations will now encompass one acre parcels where it had previously been five acres. From a financial standpoint the costs for reviewing these applications are covered under escrow accounts and does not come from Borough taxpayers money.

Discussion followed. Councilman Housel did ask how quickly could the County act on our applications? Mr. Miller noted that presently the County schedules one day in each community a month. Mr. Miller noted that his office would do the work on an as needed basis. Manager Fisher will do some further research into this suggestion.

Councilman Doty also advised that he would be attending a Planning Board meeting to discuss the Tree Removal Ordinance that was forwarded to the Shade Tree Commission for their input.

**To Authorize the Execution of the 2004 County Municipal Alliance Contract**

It was moved by Housel, seconded by Glaser that the Council authorize the execution of the 2004 County Municipal Alliance Contract by the Mayor.

Roll Call: McDonald, Bertoline, Doty, Van Derusen, Giaimis, Housel and Glaser.

Ayes: 7, Nays: 0.  
Motion carried.

**Resolution #33-2004 – Authorizing the Release of Funds from an Escrow Account – V. Iannelli**

The following Resolution was moved by Housel, seconded by McDonald and adopted:

**RESOLUTION #33-2004**

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS  
FROM AN ESCROW ACCOUNT ESTABLISHED IN THE NAME OF  
VINCENT IANNELLI AND HELD IN TRUST BY THE  
BOROUGH OF WASHINGTON.**

**WHEREAS**, Vincent Iannelli applied for and received site plan approval to construct twin office buildings on East Washington Avenue; and

**WHEREAS**, funds were posted in escrow to cover the cost of inspection services and to provide performance guarantee on site improvements; and

**WHEREAS**, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that all site work required under the site plan approval has been completed in a satisfactory manner.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to Vincent Iannelli for the balance in the inspection escrow account after all outstanding bills have been paid for inspection services and the performance guarantee account in his name.

Roll Call: Glaser, Giaimis, Housel, Van Deursen, Doty, Bertoline and McDonald.

Ayes: 7, Nays: 0.  
Motion carried.

**Resolution #34-2004 – To Adjust Sewer Billings as a Result of an Appeal**

The following Resolution was moved by McDonald, seconded by Glaser and adopted:

**RESOLUTION #34-2004**

**A RESOLUTION PROVIDING FOR EMERGENCY  
TEMPORARY APPROPRIATIONS PRIOR TO THE  
ADOPTION OF THE 2004 MUNICIPAL BUDGET FOR THE  
BOROUGH OF WASHINGTON, IN THE COUNTY OF  
WARREN, STATE OF NEW JERSEY.**

**WHEREAS**, an emergency condition has arisen with respect to a delay in the adoption of the 2004 Municipal Budget creating a shortage of funds and no adequate provisions have been made in the 2004 Temporary Budget for aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

**WHEREAS**, the total temporary emergency appropriations adopted in the year 2004 pursuant to the provisions of Chapter 96, P.L. 1951, (N.J.S.A. 40A:4-20), including this resolution and temporary appropriations, total \$ 1,334,371.00; and

**WHEREAS**, these appropriations do not exceed the amounts proposed for final adoption in the 2004 Municipal Budget.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with N.J.S.A. 40A:4-20 the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey by two-thirds affirmative vote do hereby make the following emergency temporary appropriation for the departments and accounts as listed below:

**CAPITAL IMPROVEMENT (X-CAP):**

Pershing Avenue Extension Grinder Pumping Station & Force Main Construction \$40,000.00

**TOTAL OF THIS EMERGENCY TEMPORARY APPROPRIATIONS: \$ 40,000.00**

Roll Call: Glaser, Giaimis, Van Deursen, Doty, Bertoline and McDonald.  
Ayes: 6, Housel – 1 Nay. Motion carried.

**Resolution #35-2004 – To Adjust Sewer Billings as a result of an appeal filed**

The following Resolution was moved by McDonald, seconded by Bertoline and adopted:

**RESOLUTION #35-2004**

**A RESOLUTION TO ADJUST SEWER BILLINGS AS A  
RESULT OF APPEALS FILED IN ACCORDANCE WITH  
CHAPTER 70, SECTION 13 OF THE CODE OF THE  
BOROUGH OF WASHINGTON.**

**WHEREAS**, the Borough of Washington commenced operations of a municipal sewer utility in January of 1999; and

**WHEREAS**, certain residents and property owners have filed requests for appeal of their sewer service charge with documentation to justify modification of their charges which have been reviewed by the Borough Manager; and

**WHEREAS**, there is a need to provide expeditious review and approval of those appeals, which are determined to be meritorious without the necessity of a formal hearing in front of the governing body; and

**WHEREAS**, all parties affected by this resolution will be notified of the action taken, in writing, and notified of an opportunity to appear, in person, at a formal hearing of the governing body, if dissatisfied with the preliminary decisions made herein.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following appeals are granted on a preliminary basis, subject to the right of the applicant to a formal hearing before the governing body:

<u>BLOCK/LOT</u>	<u>NAME/ADDRESS</u>	<u>REASON/ADJUSTMENT</u>
94 4	Tom Szlachtianchyn 63 East Washington Ave.	Change in Use 1 E.D.U. to 0.5 E.D.U.'s

**BE IT FURTHER RESOLVED**, that the Borough Clerk be directed to send a certified copy of this resolution to all parties affected by this resolution and advise them of their right to protest the preliminary decision and request a formal hearing before the governing body, as provided in Chapter 70, Section 13. If no protest is filed, the decisions contained herein shall be considered final.

Roll Call: Housel, Giaimis, Van Deursen, Glaser, Doty, Bertoline and McDonald.

Ayes: 7, Nays: 0.  
Motion carried.

**Resolution #36-2004 – Refunding of an Overpayment of the Borough’s Sewer Service Charge**

The following Resolution was moved by McDonald, seconded by Bertoline and adopted:

**RESOLUTION #36-2004**

**A RESOLUTION AUTHORIZING THE REFUNDING OF  
AN OVERPAYMENT OF THE BOROUGH’S  
SEWER SERVICE CHARGE**

**WHEREAS**, according to the Treasurer’s records, there is an overpayment showing on the following property; and

<u>BLOCK/LOT</u>	<u>PROPERTY OWNER/ PROPERTY LOCATION</u>	<u>AMOUNT TO BE REFUNDED</u>
T49/9.01	Hoag, Angelica & Donald 282 Washburn Ave.	\$ 129.29

The former owner made an overpayment during the closing procedures on the above property location. A refund of \$ 129.29 should be mailed to:

Angelica & Donald Hoag  
28 Longhill Ave.  
Washington, NJ 07882

**WHEREAS**, the Borough Treasurer's office has received a written request that the above amount be refunded.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to refund the above overpayment amount.

Roll Call: Doty, Van Deursen, Giaimis, Glaser, Housel, McDonald and Bertoline.

Ayes: 7, Nays: 0.  
Motion carried.

**Resolution #38-2004 – Authorizing the Release of Funds from a Street Opening Escrow Account**

The following Resolution was moved by McDonald, seconded by Bertoline and adopted:

**RESOLUTION #38-2004**

**A RESOLUTION AUTHORIZING THE RELEASE OF FUNDS  
FROM A STREET OPENING ESCROW ACCOUNT  
ESTABLISHED IN THE NAME OF RICHARD H. PETER AND  
HELD IN TRUST BY THE BOROUGH OF WASHINGTON.**

**WHEREAS**, Richard H. Peter applied for and received a permit to construct a curb and sidewalk and to open South Lincoln Avenue up for the purposes of connection to the public utilities; and

**WHEREAS**, funds were posted in escrow to provide performance guarantee on the work within the public right-of-way; and

**WHEREAS**, Municipal Engineer Robert Miller, C.M.E., P.E. has determined that all site work required under the site plan approval has been completed in a satisfactory manner with the exception of a concern about the thickness of the driveway apron; and

**WHEREAS**, Mr. Peter has agreed to allow the Borough to hold \$ 500.00 in the escrow account for one (1) year in case repairs are required on the drive apron.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Municipal Treasurer is hereby authorized to issue a check to Richard H. Peter for the balance in the inspection escrow account after Five Hundred Dollars (\$500.00) is retained for the purposes of guaranteeing the repair of the driveway apron, if necessary, in accordance with the understandings noted above.

Roll Call: Doty, Van Deursen, Bertoline, McDonald, Housel, Glaser and Giaimis.

Ayes: 7, Nays: 0.  
Motion carried.

**COUNCIL REMARKS:**

Mayor Van Deursen polled Council for their remarks.

Mayor Van Deursen thanked the Manager for tax information article

Councilman Doty had no remarks.

Councilwoman Bertoline asked where the tabulations were for the Risk Manager and Engineer? Manager Fisher noted that two of the Council people still had not come in to prioritize their choices.

Councilman McDonald had no remarks.

Councilman Giaimis had no remarks.

Councilman Housel had no remarks.

Councilwoman Glaser had no remarks.

Hearing no further business to come before Council, it was moved by Bertoline, seconded by Glaser that the meeting be adjourned.

Ayes: 7, Nays: 0.  
Motion carried.

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Marianne Van Deursen, Mayor

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Linda L. Hendershot, RMC/CMC  
Borough Clerk